

June 23.

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SIR ROBERT FINLAY DISCUSSED THE DIFFERENT TREATIES.

Claims United States Recognized British Right to Regulate Fisheries.

Disputes Claim That 1877 Proceedings Cancelled Regulations.

(From Our Special Correspondent.)

On Friday, the closing day of the first week of the presentation of the British-United States case of the North Atlantic coast fisheries before The Hague Tribunal, Sir Robert Finlay took up the speech of Hon. William H. Seward, in the debate in the Senate in 1852, in which the latter said that although the British government denied our right to enter great bays, it is equally true that they had done so for 30 years and it was equally true, moreover that for 30 years we have practically exercised the right and were still exercising it then (1852) just as we had done throughout all that period.

Sir Robert said that he did not quite agree with the historical statement of Mr. Seward, a then, after reading a few official papers, passed to the reciprocity treaty of 1854 and what took place under it, incidentally referring to the seizure of the Washington in the Bay of Fundy in 1856, quoting from a letter of the umpire in that case, Mr. Bates, the latter saying, "By recent reciprocity treaty, happily concluded between the United States and Great Britain, there seems no chance for any future disputes in regard to the fisheries." Here Sir Robert remarked, "Well, that hope has not been fulfilled. That treaty lasted from 1854 to 1866, but then it was terminated, and these controversies revived; and they now come before this court for decision in 1910."

Claims That Marcy Circular Upholds British Position.

He then took up the circulars issued by William L. Marcy, secretary of state, under President Pierce, the first one of which was issued in 1855, the same being a notice to American fishermen to pay respect to the British regulations governing the Canadian and Newfoundland fisheries, and which circular in a modified form was afterward issued to the United States collectors of customs to promulgate, Mr. Marcy's first draft not being acceptable to the colonial authorities.

Sir Robert then claimed that the position of Mr. Marcy as expressed in his first circular was far different from that taken in the second; for in the first he "recommended" American citizens to obey the regulations while in the second he said in plain terms that by granting the mutual use of the inshore fisheries, neither party has yielded its right to civil jurisdiction over a marine league along its coast and also informed the United States fishermen that they were bound by such regulations.

In leaving the matter of the Marcy circular, after dealing with it at great length, Sir Robert said,

"It results from that that this circular must have been intended by Mr. Marcy to be read by those who received it as applying to the whole of the coasts which were open to the United States fishermen under either the reciprocity treaty or the treaty of 1818. Now, sir, I pass from that subject, and I do submit to the Tribunal that this circular of Mr. Marcy, the effect of which is very much intensified by the fact that it was modified and sent out in its final form in consequence of the reports of the British government, is practically conclusive as to the right of the British government to regulate the fisheries which are to be enjoyed by the United States fishermen in common with the subjects of His Britannic Majesty."

Treaty of 1871 Settled All Differences for the Time Being.

Continuing, Sir Robert said that the reciprocity treaty terminated in 1866 by notice given by the United States.

Negotiations for a renewal were not effectual at the time, but a system of licenses was established, which continued in force from the year 1866 to 1870, and was then discontinued by a Canadian order in council. Then came the treaty of 1871 by means of which all difficulties were for a time happily settled.

Sir Robert, before going into the treaty of 1871, took up the matter of the Boutwell circulars of 1870 and 1872 and claimed that they were a little, if at all, inferior in importance in this case to the Marcy circulars. Both circulars, he claimed, related to the treaty of 1818. He claimed that these circulars recognized explicitly the right of regulation claimed for the British authorities in respect of the fisheries and the submission of the United States fishermen on the same terms as British fishermen to the terms of such regulations.

The treaty of 1871 Sir Robert termed a landmark, another great landmark in the case. It, in addition to the liberty secured to United States fishermen by the convention of 1818, gave them the right, in common with British subjects for a term of years, the liberty to take fish of every kind, except shell fish, on the bays, harbors and creeks of the provinces of Quebec, Nova Scotia, and New Brunswick and the colony of Prince Edward Island and the several islands thereto adjacent without being restricted to any distance from the shore. In this treaty the British subjects were accorded a similar liberty on the shores of the United States, to the northward of parallel 39.

Sir Robert followed his very lengthy comment and reference readings on certain phases of the treaty by taking up

The Arbitration Proceedings of 1877

which took place under the treaty of 1871 or Alabama treaty, as he termed it, at times, for the purpose of providing for compensation to be paid to the British colonies by the United States in respect to the greater value of the fishing concessions which the United States citizens received as compared with those which British subjects secured on the coast of the United States.

The United States in its argument on the present case claims that the British government presented its case in these 1877 proceedings on the basis that the fisheries of the United States fishermen were not to be subject to any regulation and that the award which was obtained is a circumstance which really makes it impossible for the British government now to set up that the fisheries were subject to the right of regulation.

"I shall satisfy the Tribunal," said Sir Robert, "that that statement which is made in the broadest terms and most confident terms, is one which is not supported by the evidence. There is one other point to which I shall have to call attention in these arbitration proceedings. It is this. It was admitted in the course of these arbitrations that no commercial privileges existed, and that admission is one which throws some light on the attitude of the parties to the seventh and last question in the present arbitration, as to the title of commercial privileges by vessels exercising fishing rights under the treaty. These are points of importance, and I will take them up on Monday."

It was expected that on Monday Sir Robert will have completed his geographical and historical sketch of matters relating to the treaty of 1818 and will on Tuesday take up his extended argument on and presentation of the merits of each of the seven questions of the arbitration agreement.

FISH ARRIVALS STILL LIGHT.

Two Codfish and One Mackerel Fare Here Today.

Only two codfishing vessels have arrived at this port since yesterday noon, sch William H. Moody with 15,000 pounds of cod and 9000 pounds of halibut and sch. Jessie Costa with 40,000 pounds fresh mixed fish.

Two more of the Cape Shore seining fleet have also arrived, only one of which has any fish, sch. Rhodora, with 75 barrels of salt mackerel.

The pollock seiners had another dull day yesterday and those who went out took no fish, while several of them remained in port during the day.

The shore boats landed no fish. Several of the shack fleet which have been out from six to seven weeks remain to arrive and are expected at any time and may be in during the day.

The arrivals and receipts this morning in detail are:

Today's Arrivals and Receipts.

- Sch. William H. Moody, Georges, 15,000 lbs. salt cod, 9000 lbs. halibut.
- Sch. Jessie Costa, 40,000 lbs fresh fish.
- Sch. Emily Cooney, Cape Shore.
- Sch. Rhodora, Cape Shore.
- Sch. Flora J. Sears, via Boston
- Sch. Buema, via Boston.
- Sch. Edith Silveria, via Boston.
- Sch. N. A. Rowe, netting.
- Sch. Rhodora, Cape Shore, 75 bbls. salt mackerel.
- Sch. Lafayette, mackerel netting.
- Sch. Clara G. Silva, via Boston.
- Sch. Maud F. Silva, via Boston.
- Sch. Emerald, via Boston.

Vessels Sailed.

- Sch. Susan and Mary, shacking.
- Sch. Catherine Burke, halibuting.
- Sch. Dictator, halibuting.
- Sch. Elva L. Spurling, haddocking.
- Sch. Ida S. Brooks, haddocking.
- Sch. Maud S. Silva, haddocking.

Today's Fish Market.

- Cape Shore salt mackerel, \$15.50 per bbl.
- Large halibut cod, \$3 per cwt.; medium cod, \$2.75; snappers, \$1.50.
- Trawl salt Georges cod, large, \$3.50; mediums, \$3.
- Large salt handline Georges cod, \$3.50; mediums, \$3.00.
- Trawl bank cod, large, \$3 per cwt.; medium, \$2.75; snappers, \$1.50.
- Outside sales drift Georges salt cod, \$3.50 per cwt. for large and \$3 for mediums.
- Salt cusk, large, \$2.50 per cwt.; medium, \$2; snappers, \$1.
- Salt pollock, \$1.25 per cwt.; salt haddock, \$1.25; salt hake, \$1.25.
- Round pollock, 70 cts. per cwt.; dressed pollock, 75 cts.
- Splitting prices for fresh fish, Western cod, large \$2 per cwt.; medium do., \$1.65; Eastern cod, large, \$1.60; medium cod, \$1.40; cusk, \$1.60 for large, \$1.20 for medium and 50c for snappers; haddock, 80 cts.; hake, 90 cts.; pollock, round, 65 cts.; dressed, 70 cts.

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Dogfish Bother Portland Fishermen.

The Portland boat fishermen report the dogfish as thick and ravenous as ever, their catches being very small in consequence. The sloop Bennie had her catch spoiled by them recently, having set her trawls where they were particularly numerous. On one trawl the skipper pulled in 188 dogfish, while on another he found the heads and back bones of 28 haddock, the flesh having been stripped off clean by the voracious pest.

Will Haul Up Fleet.

Francis J. O'Hara of Boston, who owns and controls several vessels, is reported to have decided to haul them up for the time being and will not start them until late in the summer, when they will engage in market fishing. One of them, sch. Francis J. O'Hara, Jr., which returned some days ago from an unsuccessful trip to Cape Shore, is now laying up at this port, and may not be started again for some time.

SEINERS NOT FINDING FISH.

Netters However Are Securing Some Mackerel.

There is no change in the mackerel situation, there being only two arrivals from the Cape Shore today, sch. Rhodora with 75 barrels of salt mackerel and sch. Emily Cooney empty. One netter is in Boston with 2000 pounds fresh mackerel and six at Newport.

Sch. Tecumseh which is reported at Boston, reports taking her fish on the Rips and prospects were good.

It is now time that some of the seiners were reported with fish, but they are not meeting with the success of a few years ago, when good hauls for a month or more were made off Block Island and vicinity. But there is plenty of time yet for the seiners to make a good season's work and it is predicted that a good school of fish will strike this shore. If there are no mackerel on this shore, a number of the seiners anticipate going to North bay.

The Canadian Fish Bureau of Tuesday report mackerel as quite plentiful at Alberton, P. E. I., but scarce all along the Nova Scotia coast, although a few were being taken at various places.

Mackerel at Prince Edward's Island.

A letter to the Times from Souris, P. E. I., says that mackerel of a large size, some as heavy as three pounds, have struck in along the north side of Prince Edward island during the last 10 days. Reports along the coast from East Point to Rustico state that it is the largest body of fish that has struck those shores for 20 years. The mackerel are taken in nets, none being hooked thus early.

Vessels arriving from Magdalen islands report having done nothing, and it looks as if the old North bay was in luck this year.

Codfish are also plentiful and large. Both codfish and mackerel are about one month earlier than usual.

The mackerel caught are being mostly packed in ice and shipped fresh to United States.

Some fishermen at Morrell, (St. Peter's) have made as high as \$75 in one day. The firm of R. N. Cox are the largest shippers at Morrell. Matthew & McLean of Souris, who also deal largely in fishing supplies, are likely to benefit largely by this unexpected bonanza.

Lobster fishing has slackened off, but the catch up to the present has been an average one. Many factories are closing up although the open season has still about a month to run.

No United States fishing vessels have as yet reported at this point.

It is too early to predict the probable prospects for hooking and seining, but it is not at all improbable that the Gulf of St. Lawrence will witness lively operations during summer of 1910.

Netters at Boston.

Sch. Tecumseh, 2000 fresh mackerel.

Netters at New Bedford

Arrived Tuesday:

Sch. Albert Brown, 300 fresh mackerel.

Sch. Rattler, 175 fresh mackerel.

Sloop Two Sisters, 1200 fresh mackerel.

Sch. Helen, 300 fresh mackerel.

Sch. Hester, 400 fresh mackerel.

Sch. Florence, 600 fresh mackerel.

Sch. Jessie D., 600 fresh mackerel.

Sch. Maryland, 251 fresh mackerel.

Sch. Muriel, 250 fresh mackerel.

Sch. Rita, 70 fresh mackerel.

Sch. Ada Morse, 1600 fresh mackerel.

Sch. Dart, 1200 fresh mackerel.

Arrived yesterday:

Sch. Crescent, 175 fresh mackerel.

Sch. Bessie, 350 fresh mackerel.

Sch. Hester, 125 fresh mackerel.

Sch. Lewie Warren, 250 fresh mackerel.

Sch. J. W. Caswell, 125 fresh mackerel.

Sch. Little Jennie, 250 fresh mackerel.

Sch. Magnolia, 400 fresh mackerel.

Sch. Eleanor, 75 fresh mackerel.

Sch. Vesta, 500 fresh mackerel.

Sch. Climax, 100 fresh mackerel.

Sch. Barbara, 300 fresh mackerel.

Sch. Reliance, 200 fresh mackerel.

Sch. Nancy, 300 fresh mackerel.

Sch. St. Louis, 100 fresh mackerel.

Sch. Active, 100 fresh mackerel.

Sch. Braganza, 75 fresh mackerel.

Sch. Grace Smith, 1400 fresh mackerel.
Sch. Sarah Smith, 400 fresh mackerel.
Sch. Louise, 100 fresh mackerel.
Sch. Pearl, 800 fresh mackerel.
Mackerel at Newport.
Arrived yesterday:
Sch. Crustacean, 250 fresh mackerel.
Sch. Dixie, 700 fresh mackerel.
Arrived today:
Sch. M. Madeleine, 1200 fresh mackerel.
Sch. Jennie H. Gilbert, 500 fresh mackerel.
Sch. Pearl, 200 fresh mackerel.
Sch. Nettle, 200 fresh mackerel.
Sch. Clara, 200 fresh mackerel.

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Good Stock.

Capt. George Turner in the little netting sch. Blanche F. Irving has made the fine stock of \$4800 in the mackerel fishery since the first of May. Capt. Turner is now fitting out for swordfishing, and his many friends hope that his good luck will follow him.

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Fishing Fleet Movements.

Sch. Lillian arrived at Liverpool Monday last and took ice and bait.
Schs. Monitor and Tacoma sailed from there on the same date.

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BOSTON PRICES MAKE BIG SLUMP.

Mackerel and Swordfish the Only Fish Not Affected.

Receipts of fish at Boston today are confined to eight small trips, but prices nevertheless are lower than for some time.

Pollock a few days ago were quoted at \$4 per cwt., today they are selling at 60 cents. This is a surprising fall in price and no one appears to know the cause of this rapid decline, when as a matter of fact, receipts of this commodity are but a few thousand pounds.

This, however, does not apply to pollock alone, but all kinds of fish as well with exception of mackerel and swordfish.

It is predicted that prices of all kinds of fresh fish will be low until after the Fourth, when a return to the recent strong market will be in evidence again. Some of the large vessels will not go out again for a few days as the skippers who study the market find it is just as well to remain in port and have their vessels painted and otherwise put in order for summer fishing.

Forty boxes of salmon were received at T wharf by the St. John steamer yesterday and 51 boxes are expected today. Twenty boxes came by express from Frederickton. Steelhead salmon from the Columbia river are also coming each day by rail.

The receipts and prices in detail are:

Boston Arrivals.

Sch. Theresa and Alice, 5000 haddock, 8000 cod, 4000 hake, 6000 cusk.

Sch. Annie Perry, 4000 haddock, 20,000 cod.

Sch. Olivia Sears, 1000 haddock, 1000 cod, 2000 pollock.

Sch. Nettle Franklin, 12,000 haddock, 8000 cod, 11,000 pollock.

Sch. Ethel B. Penney, 3000 haddock, 20,000 cod.

Sch. Tecumseh, 2000 mackerel.

Sch. Gladys and Sabra, 1000 haddock, 7000 cod.

Sch. Mary DeCosta, 14,000 haddock, 2000 cod.

Haddock, \$2 to 2.35; large cod, \$2.25 to \$2.50; market cod, \$1.55 to \$1.75; pollock, 60 cts.; mackerel, 25 cts. each.

HAD SALMON AND HALIBUT.

Sch. Angie B. Watson Landed Newfoundland Fare at Portland.

The sch. Angie B. Watson, which arrived at Portland yesterday with colors flying, attracted much attention, and it was not wondered at by the people of that Maine metropolis. Capt. George Cushing, skipper of the craft, received congratulations on every hand, because he had just returned from his first trip to Newfoundland waters in many years, and also, perhaps, because he brought in the finest fare of fish landed in Portland in many months.

It was just two and a half weeks ago when the Watson sailed from Portland for the Newfoundland coast. About four days ago she stopped fishing and headed back to Portland. Stored away in her hold were 25,000 pounds of halibut and 4000 pounds of salmon. To say that she had these fish conveys no idea of their quality.

It was a sight well worth the seeing to see the specimens of sea food hoisted from the hold of the schooner and landed. The halibut were of all sizes. Some were of the small chicken variety, while some were so large they would weigh in the neighborhood of 300 pounds. But it was the salmon that attracted the most attention. They averaged about 15 pounds in weight and as they lay in the boxes packed in ice they presented a sight that would gladden the heart of any fisherman.

Capt. Cushing in speaking of his trip said except for a continual fog there had been no incident. The seas were not heavy and the winds were favorable as is proven by the fact that the schooner in two and a half weeks went 750 miles to Burgeo, loaded with her fish from other vessels and returned to Portland.

Large Fare of Shad at Portland.

Judging from the fact that the sloop Alice G., Capt. E. Gilliam, arrived at Portland yesterday afternoon with 40 barrels of shad, weighing about 10,000 pounds, one might think that this particular kind of fish were plentiful off the coast, but Capt. Gilliam said that they are not numerous by any means. He took his fare in seines off Small Point.

Newfoundland Fish Notes.

The first cargo of new codfish to be shipped from the Colony this season is now being loaded at Burgeo for R. Moulton. It will consist of 2100 quintals and will be sent to Oporto, being part of the result of the West Coast winter fishery.

There were seven Lunenburg bankers at Cape Broyle recently looking for bait. Caplin struck in there last week and three others of that fleet have already baited and sailed. The Lunenburg vessels have been doing fairly well on the Grand Banks and a good season is expected by them.

J. Wareham of the Southside, secured about ten quintals of fish in his trap on the grounds near Cape Spear. This is the largest catch taken by any local trap up to the present.